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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,343	08/05/2003	Raphael F. McLoul	141501.00000	6751

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POWELL, GOLDSTEIN, FRAZER, & MURPHY LLP  
16TH FLOOR  
191 PEACHTREE STREET, NE  
ATLANTA, GA 30303-1736

EXAMINER

NELSON JR, MILTON

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/634,343

Applicant(s)

MELOUL, RAPHAEL F.

Examiner

Milton Nelson, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information referred to in the information disclosure statement filed December 15, 2003 has been considered.

### ***Specification***

The specification is objected to because it lacks both a brief and detailed description of Figures 6-14.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 4 of claim 1, it is unclear if "the seatbelt" is intended to be the previously set forth "shoulder belt". In line 5 of claim 1, it is unclear if "a handle" is intended to be the "seatbelt handle" of line 1. In line 5 of claim 1, it is unclear if Applicant intends to positively claim the combination of a seatbelt handle and a vehicle, or the subcombination of a seatbelt handle for use with a vehicle seat of a vehicle". Line 1 of the claim appears to set forth the subcombination. Note the

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recitation "used in coordination with a motor vehicle seat". Line 5 appears to set forth the combination. Note the recitation of that the handle "extends toward the front of the vehicle". In line 6 of claim 1, "the retracted position" lacks proper antecedent basis. In line 6 of claim 1, "its ready to use position" lacks proper antecedent basis. In line 1 of claim 2, "The seatbelt aid" lacks proper antecedent basis. In line 1 of claim 2, it is unclear if "a base" is intended to be the same structure as "a base", which is set forth in claim 1 from which claim 2 depends. In claim 2, it is unclear if "the seatbelt" is intended to be the same feature as the previously set forth "shoulder belt". In lines 1 to 2 of claim 3, "its ready to use position" lacks proper antecedent basis.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by Marker et al (5620231). Note the base (18) and the handle (16). Also note the handle is capable of being extended towards the front of the vehicle when in the retracted position in its ready to use position.

Claims 1 and 2, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by Reese (5197176). Note the

base (20) and the handle (14). Also note the handle is capable of being extended towards the front of the vehicle when in the retracted position in its ready to use position.

Claims 1 and 2, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by Tsubai (4944557). Note the base (15) and the handle (12). Also note the handle is capable of being extended towards the front of the vehicle when in the retracted position in its ready to use position.

Claims 3 and 4, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by Reese (5197176). Note the loop (14) and the two large surfaces (front and back of 12). Also note the loop when in its ready to use position, is capable of protruding forward and is positionable such that a driver may, by simply bending his or her arm toward his or her shoulder, the loop of the seat belt attachment will be easily grabbed and pulled without over stretching and reaching back as in conventional seat belt arrangement.

Claims 3 and 4, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by Tsubai (4944557). Note the loop (24) and the two large surfaces (front and back of 12). Also note the loop when in its ready to use position, is capable of protruding forward and is positionable such that a driver may, by simply bending his or her arm toward his or her shoulder, the loop of the seat belt attachment will be easily grabbed and pulled without over stretching and reaching back as in conventional seat belt arrangement.

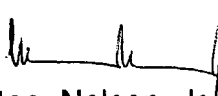
**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. A seatbelt gripping tool is shown by each of Allcock (5902015), Dittmar et al (2002/0062543), and Shouse, Jr (5496083).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is 7033082117. The examiner can normally be reached on Monday-Friday 5:30-3:00.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Milton Nelson, Jr.  
Primary Examiner  
Art Unit 3636

mn  
May 19, 2004